

to comply with the provisions of this section. Any action for damages shall not, however, apply to, affect, alter, or impair the validity of any existing vendor's lien, mechanic's lien, or deed of trust lien on the property.

(r) ~~(e)~~ A suit for damages under the provisions of this section must be brought within 90 days after the purchaser receives the first district tax notice or within four years after the property is sold or conveyed to the purchaser, whichever time occurs first, or the purchaser loses the right to seek damages under this section.

(s) ~~(p)~~ Notwithstanding any provisions of this subchapter to the contrary, a purchaser may not recover damages of any kind under this section if that person:

(1) purchases an equity in real property and in conjunction with the purchase assumes any liens, whether purchase money or otherwise; and

(2) does not require proof of title by abstract, title policy, or any other proof of title.

SECTION 2. (a) This Act takes effect September 1, 1999.

(b) The change in law made by this Act applies only to a transfer of property that occurs on or after the effective date of this Act. For purposes of this section, a transfer of property occurs before the effective date of this Act if the contract of sale and purchase binding the purchaser to purchase the property is executed before that date.

(c) Property transferred before the effective date of this Act is covered by the law in effect when the property was transferred, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 6, 1999, by a non-record vote; passed by the Senate on May 26, 1999: Yeas 30, Nays 0.

Approved June 18, 1999.

Effective September 1, 1999.

CHAPTER 716

H.B. No. 919

AN ACT

relating to an attorney who represents a ward, proposed ward, guardian, or other interested person in certain guardianship proceedings.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 646, Texas Probate Code, is amended to read as follows:

Sec. 646. APPOINTMENT OF ATTORNEY AD LITEM AND INTERPRETER. (a) In a proceeding under this chapter for the appointment of a guardian ~~[for a person other than a missing person]~~, the court shall appoint an attorney ad litem to represent the interests of the proposed ward. The attorney shall be supplied with copies of all of the current records in the case and may have access to all of the proposed ward's relevant medical, psychological, and intellectual testing records.

(b) To be eligible for appointment as an attorney ad litem, a person must *have the certification required by Section 647A of this code* ~~[be certified by the State Bar of Texas or a person or other entity designated by the state bar as having successfully completed a course of study in guardianship law and procedure sponsored by the state bar or its designee]~~.

(c) ~~[For certification under Subsection (b) of this section, the state bar shall require four hours of credit.]~~

~~[(d) A certificate issued under Subsection (b) of this section expires on the second anniversary of the date the certificate was issued.]~~ A person whose certificate has expired must obtain a new certificate to be eligible for appointment as an attorney ad litem.

(d) [(4)] At the time of the appointment of the attorney ad litem, the court shall also appoint a language interpreter or a sign interpreter if necessary to ensure effective communication between the proposed ward and the attorney.

SECTION 2. Subpart E, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 647A to read as follows:

Sec. 647A. CERTIFICATION REQUIREMENT FOR CERTAIN COURT-APPOINTED ATTORNEYS. (a) A court-appointed attorney in any guardianship proceeding must be certified by the State Bar of Texas or a person or other entity designated by the state bar as having successfully completed a course of study in guardianship law and procedure sponsored by the state bar or its designee.

(b) For certification under this section, the state bar shall require three hours of credit.

(c) Except as provided by Subsection (e) of this section, a certificate issued under this section expires on the second anniversary of the date the certificate is issued.

(d) To be eligible to be appointed by a court to represent a person at a guardianship proceeding, an attorney whose certificate has expired must obtain a new certificate.

(e) A new certificate obtained by a person who previously has been issued a certificate under this section expires on the fourth anniversary of the date the new certificate is issued if the person has been certified each of the four years immediately preceding the date the new certificate is issued.

SECTION 3. This Act applies only to guardianship proceedings for which a court has appointed an attorney to represent the interests of a ward or other person:

(1) on or after the effective date of this Act; or

(2) before the effective date of this Act if the proceeding is pending on the effective date of this Act.

SECTION 4. This Act takes effect September 1, 1999.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 16, 1999, by a non-record vote; passed by the Senate on May 20, 1999: Yeas 30, Nays 0.

Approved June 18, 1999.

Effective September 1, 1999.

CHAPTER 717

H.B. No. 923

AN ACT

relating to regulation of licensed professional counselors.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 5(f), Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) If the executive director ~~[secretary]~~ has knowledge that a potential ground for removal exists, the executive director ~~[secretary]~~ shall notify the governor and the attorney general that a potential ground for removal exists.

SECTION 2. Section 8(a), Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The executive director ~~[secretary]~~ must be an employee of the department. The Commissioner of Health, with the advice and consent of the board, shall designate an employee to serve as executive director ~~[secretary]~~ of the board. The executive director